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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,995	03/29/2000	Shreedhar Madhavapeddi	2320	6754

7590 11/30/2004

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EXAMINER	
TRAN, THIEN D	
ART UNIT	**PAPER NUMBER**
2665	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/537,995	MADHAVAPEDDI ET AL.	
	Examiner	Art Unit	
	Thien D Tran	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-41* is/are rejected.

7)☒ Claim(s) *11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some* c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-10, 12-42 are rejected under 35 U.S.C. 102(e) as being participated by Ravikanth (U.S Patent 6,327,274).

Regarding claims 1, 40, Ravikanth discloses a method for obtaining information for packets transmitted over a network, comprising:

transmitting a plurality of packets from a sender to a receiver, including at least one selected packet;

associating a sender-relative timestamp with each selected packet transmitted;

receiving at least some of the plurality of packets (col.4 lines 1-10);

associating a receiver relative timestamp with each selected packet received; and

associating a latency associating a time difference of the packet from the sender to the receiver (latency) relative to the actual time between when each selected packet is sent and when each selected packet is received that is based on the sender-relative timestamp and the receiver-relative timestamp associated with each selected packet received. See col.2 lines 5-60.

Regarding claims 2, 20, Ravikanth discloses a method, wherein associating the sender-relative timestamp includes placing a local timestamp of the sender into each selected packet. See col.3 lines 60-65.

Regarding claim 3, Ravikanth discloses a method, wherein associating the receiver-relative timestamp includes placing a local timestamp of the receiver into each selected packet. See col.6 lines 25-45.

Regarding claims 4, 41, Ravikanth discloses a method, wherein associating the sender-relative timestamp includes placing a local timestamp of the sender into each selected packet, and associating the receiver-relative timestamp includes placing a local timestamp of the receiver into each selected packet. See col.5 lines 45-60.

Regarding claim 5, Ravikanth discloses a method further comprising uniquely identifying each selected packet. See col.4 lines 15-30.

Regarding claims 6, 31, Ravikanth discloses a method, wherein uniquely identifying each selected packet includes writing a sequence number. See col.6 lines 50-60.

Regarding claims 7, 22, 32, 33, 42 Ravikanth discloses a method further comprising normalizing the latency associated with each selected packet. See col.5 lines 15-35.

Regarding claims 8, 21, 23, 34, 38, Ravikanth discloses a method, wherein at least two selected packets are received, and wherein normalizing the latency includes selecting the lowest latency from each of the latencies associated with each selected packet. See col.5 lines 30-50.

Regarding claims 9, 25, Ravikanth discloses a method, wherein normalizing the latency includes detecting at least one timer jump and adjusting information maintained for each selected packet to compensate therefor. See col.6 lines 35-55.

Regarding claims 10, 24, 26-28, Ravikanth discloses a method, wherein normalizing the latency includes, detecting clock skew, and adjusting information maintained for each selected packet to compensate for the clock skew. See col.4 lines 20-40.

Regarding 12, Ravikanth discloses a method further comprising, normalizing the sender-relative timestamp, associated with each selected packet. See col.3 lines 30-65.

Regarding claim 13, Ravikanth discloses a method further comprising, normalizing the receiver-relative timestamp associated with each selected packet. See col.4 lines 1-10.

Regarding claim 14, Ravikanth discloses a method, wherein the network is a controlled network, and further comprising running a calibration phase during transmission of at least some of the transmitted packets. See col.6 lines 55-65.

Regarding claim 15, Ravikanth discloses method further comprising, generating noise by transmitting other packets on the network. See col.5 lines 60-63.

Regarding claim 16, Ravikanth discloses a method further comprising, enabling network quality of service. See figure 2.

Regarding claim 17, Ravikanth discloses a method further comprising, detecting dropped packets.

Regarding claim 18, Ravikanth discloses a computer-readable medium having computer executable instructions for performing. See figure 1.

Regarding claim 19, Ravikanth discloses a system for obtaining information transmitted over a network, comprising:

a network sender system, including:

a sender process configured to cause transmission of a plurality of selected packets on the network (col.4 lines 1-34); and

a sender component configured to associate a sender timestamp of the sender with each selected packet (col.5 lines 5-20);

and,

a network receiver system configured to receive each selected packet transmitted on the network, the receiver system including:

a receiver component configured to associate a receiver timestamp with each selected packet received (col.6 lines 20-40); and

a receiver process, the receiver process determining a latency relative to the actual time between when each selected packet is sent and when each selected packet is received that is based on the sender timestamp and the receiver. See figure 1.

Regarding claims 29,30, 36, 37, Ravikanth discloses a computer-readable medium having stored thereon a data structure, comprising:

a first field operable to store data representative of a packet send time, col.4 lines 1-10, figure 1;

a second field operable to store data representative of a packet receive time, col.4 lines 1-10, figure 1; and

a third field operable to store data representative of a packet latency time. See col.2 lines 25-50.

Regarding claim 35, Ravikanth discloses a computer-readable medium having stored thereon a data structure, comprising:

a first field operable to store data representative of a packet sequence number N, col.5 lines 1-10;

a second field operable to store data representative of a packet send time col.4 lines 40-45; and

a third-field operable to store data representative of a packet receive time. See col.4 lines 15-55.

Regarding claim 39, Ravikanth discloses a method for obtaining information for packets transmitted over a network, comprising:

transmitting a plurality of test packets from a sender to a receiver, and for each transmitted packet col.4 lines 60-67;

writing a sequence number into a first field, col.4 lines 38-43; and

writing a sender-relative timestamp suitable to determine a latency into a second field and receiving at least some of the plurality of test packets, and for each packet received, col.4 lines 25-40:

writing a receiver-relative timestamp suitable to determine a latency into a third field, col.4 lines 20-30; and

maintaining information corresponding to the sequence number, the sender-relative times stamp the receiver-relative timestamp and the latency the latency relative to the actual time between when each selected packet is sent and when each selected packet is received, col.4 lines 25-45.

Allowable Subject Matter

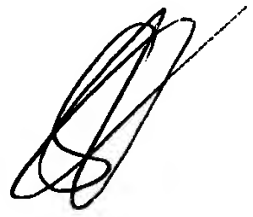
3. Claims 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Thien Tran



STEVEN NGU
PRIMARY EXAMINER